



In this Part of the Report, I review the evidence presented to the Inquiry over the 43 days of hearings. The evidence included the testimony of 63 witnesses and 197 exhibits. In all, the transcript of the evidence occupies 8,506 pages.²⁸

I have not included the testimony of all the witnesses—that was not necessary. That is not to say that any witness was unimportant. Each had information to give about what he or she knew as to the Stonechild matter. I am grateful to them all for their willingness to attend and testify, sometimes after several hours—or days—of waiting.

Every witness cooperated fully. It was never necessary to admonish a witness or instruct a witness to answer a question posed to him or her. For many who appeared, testifying was a difficult and even intimidating experience.

I believe I have “the whole story”. If I err in my interpretation or understanding of the evidence, the responsibility is entirely mine. It has been enormously helpful to have all the elements of the Stonechild case before me even though this entailed a very considerable amount of time and study for me. At the end, I consider it all worthwhile.

After several reviews of the evidence, I concluded it would be best organized by grouping the various witnesses who attended. Admittedly, the grouping is somewhat arbitrary. It should, I believe, permit the reader to follow the testimony in a more orderly fashion.

The first section of my review involves an examination of the evidence of the family of Neil Stonechild. Section 2 of this Part is a review of the testimony of the acquaintances of Stonechild and other civilian witnesses who could offer testimony regarding the circumstances surrounding the death of Neil Stonechild and the events that followed the discovery of his body.

Sections 3 through 6 are directed to a review of the evidence of the Saskatoon Police Service, including past and present members of the Service who testified. Section 3 provides a brief summary of the history and organization of the Saskatoon Police Service. This background is intended to assist the reader in understanding the evidence of the many police witnesses who testified. Section 4 summarizes the evidence of the officers who were dispatched to deal with Neil Stonechild on the night he was last seen alive. In Section 5, I survey the evidence of police witnesses who were involved directly or indirectly with the Saskatoon Police Service investigation into the death of Neil Stonechild. Section 5 also includes a summary of the evidence of police witnesses who were in the Saskatoon Police Service chain of command in 1990. Section 6 reviews the actions of the Saskatoon Police Service when questions surrounding the suspicious death of Neil Stonechild resurfaced in 2000. It also details the relevant policy and organizational changes that have occurred in the Saskatoon Police Service since 1990.

In Section 7, I have summarized the testimony of Chief Superintendent Darrell McFadyen of the Royal Canadian Mounted Police. McFadyen headed the RCMP investigation into the death of Neil Stonechild that began in early 2000.

²⁸ The 43 volumes of transcripts are posted on the Inquiry website: www.stonechildinquiry.ca. A list of the Inquiry exhibits is also contained on this site and is reproduced in this Report as Appendix “H”

Part 4 – The Evidence

Sections 8 through 10 of this Part address the expert testimony presented to the Inquiry. Section 8 is a review of the evidence of the medical experts. Section 9 examines the photogrammetric evidence that was tendered. Section 10 surveys the testimony of the expert witnesses called to explain memory formation and recall.

1 | The Stonechild Family

I begin with the evidence of the following members of Neil Stonechild's family: Stella Bignell, Debra Mason, Jerry Mason, Marcel Stonechild, and Erica Stonechild. Bruce Genaille, a cousin of Stonechild, also testified. His evidence is discussed in a later section. The focus of these summaries is generally restricted to the witnesses' recollection of events relating to the disappearance of Neil Stonechild and events following the discovery of his body.

In November of 1990, Neil Christopher Stonechild was a 17 year old boy of Saulteaux background living in Saskatoon, Saskatchewan; a city of approximately 183,000 souls. Neil Stonechild came to Saskatoon from Thompson, Manitoba in 1980 with his mother Stella Bignell, his older sister Erica Stonechild, his older brother Marcel Stonechild, and his younger brother Jason Stonechild.

The testimony of Stonechild's family consistently portrayed him as a friendly, outgoing, and caring young man. A good deal of this well-liked boy's youth was spent in positive activities and pursuits such as wrestling, baseball, and army cadets. Unfortunately, around the age of 15, Neil Stonechild also began to engage in negative and criminal pursuits. Notwithstanding these problems, Stonechild's future was by no means bleak. He was surrounded by a network of supportive family members and youth workers and counselors.

Stella Bignell (Stonechild)²⁹

Stella Stonechild was living in Brandon, Manitoba when her son was born in 1973. She had five children. The names of her children in order of age are Dean, Erica, Marcel, Neil, and Jason. The eldest, Dean, was given up for adoption at a young age. Mrs. Bignell was a single parent. She moved to Saskatoon in 1980 to make a new life for herself and to escape problems with alcohol abuse.

Mrs. Bignell is now a quiet, dignified grandmother. She gave her evidence in a calm and forthright manner. She described her late son as a loveable boy who enjoyed sports and excelled in wrestling. He was also an Army Cadet. She acknowledged that he came into conflict with the law when he was fourteen or fifteen years old. He also began to abuse alcohol. He had a juvenile record which centered mainly around the commission of breaking and entering offences. He was not involved in any serious or violent crime.

The members of the Stonechild family constituted a close and caring group. The children respected their mother's insistence that if they left the family home in the evening they had to keep her informed as to their whereabouts. Mrs. Bignell did not appear to have had any discipline problems with Neil. I conclude she tolerated his petty criminal behavior while trying to encourage him to concentrate on school and his other interests. He was obviously a much loved son.

²⁹ Evidence of Stella Bignell (Stonechild), Inquiry transcript, vol. 1 (September 8, 2003): 14

On Saturday, November 24th, 1990, he was living with his mother in Saskatoon. On that date, he was absent without permission from a community home in Saskatoon where he had been placed because of his criminal activity. On that day, he promised his mother and the community home manager, whom he phoned that evening, he would return to the community home after the weekend.³⁰

Stella Bignell last saw her son early that evening. He advised her then that he was going to visit some friends, the Binnings, who lived not far away. Neil told her that he could not phone her from the Binnings as they did not have a phone. A Binning family member testified during the Inquiry that the family did have a phone, but there is no evidence that Neil knew that. Neil did not return home. On Sunday evening, November 25th, Mrs. Bignell began to worry. She asked her adult son, Marcel, to start looking for Neil. Marcel was told by Eddie Rushton, a Binning friend, that Neil and his friend, Jason Roy, had gone out during the evening but that only Roy had returned to the Binning residence.³¹ Jason Roy had reported to the Binnings that Neil had been picked up by the Saskatoon Police Service on the night of November 24/25. She concluded that he was in custody, an event consistent with her son having being unlawfully at large and susceptible to arrest. When the family called the Saskatoon Police Service on Monday to inquire, they were advised that Neil was not in custody.³² There had been a suggestion made by Neil earlier that he might go with a friend to visit a nearby reserve, and she concluded that that was probably what had happened.

On Thursday, November 29th, she was informed that the frozen body of her son had been found in a remote area on the outskirts of northwest Saskatoon. This information was provided to her by Sgt. Keith Jarvis, a Morality Officer with the Saskatoon Police Service. Jarvis would feature prominently in the investigation into her son's death and later events surrounding the death.

Mrs. Bignell attended Neil's funeral with other family members and friends. She observed at that time that he had a gash on his nose.

After the funeral, Mrs. Bignell tried to recover her son's clothing and personal property from the Saskatoon Police Service. She was refused, then and later. Some years after these requests, the Saskatoon Police Service destroyed Neil Stonechild's belongings without notifying her.

Shortly after the death, the Saskatoon Police Service questioned Mrs. Bignell, but she was not able to recall what was said in that conversation. She learned that the investigators had a theory that her son was walking in the northwest area of the city in an effort to reach the Saskatoon Correctional Centre, located in that area, to turn himself in. She rejected this theory. As she and others subsequently pointed out, this suggestion made no sense, whatsoever. Neil was a youthful offender and would not have been accepted at an adult prison facility. Her son was familiar with the juvenile justice system and knew that he would, if arrested, simply be returned to his community home or a juvenile facility in Saskatoon. He had told his mother of his intention to return to the community home, as I have observed earlier.

³⁰ See also Evidence of Pat Pickard, Inquiry transcript, vol. 2 (September 9, 2003): 172; and Evidence of Debra Mason, Inquiry transcript, vol. 1 (September 8, 2003): 113

³¹ Evidence of Stella Bignell, Inquiry transcript, vol. 1 (September 8, 2003): 21; Evidence of Marcel Stonechild, Inquiry transcript, vol. 2 (September 9, 2003): 285

³² Marcel Stonechild also testified that he called the Saskatoon Police Service to enquire if Neil Stonechild was in custody: Evidence of Marcel Stonechild, Inquiry transcript, vol. 2 (September 9, 2003): 286

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Two members of the Saskatoon Police Service tried to assist the Stonechild family in obtaining answers to their questions about Neil's death. They were Sgt. Eli Tarasoff, now retired and Cst. Ernie Louttit, presently a Senior Constable with the Service. I will have more to say about their efforts when I review their evidence.

In March 1991, Stella Bignell spoke with a reporter from the Saskatoon StarPhoenix, a daily newspaper published in the City of Saskatoon, about her concern that her son's death was not being adequately investigated and that the investigation into her son's death had been concluded. She decided that she would not pursue the matter as she did not believe the police would do anything about Neil's death. She also confirmed that she had heard rumours that Neil might have been beaten up by a member of the Pratt family as a result of her son's involvement with the Pratts in September 1990 in a gun transaction. She expected the Saskatoon Police Service would look into this report also as it was widely circulated in the community. Gary Pratt visited her and told her the report was untrue, and she accepted his explanation.

Jason Roy did not talk to Mrs. Bignell about his involvement with her son until much later. When he contacted her in 1991, he told her he had seen Neil in the back of a police car on the evening of November 24/25, 1990, and that he, Roy, was not arrested by the police at that time because he gave the police a false name. Roy told her that he had reported his observations to the police. She concluded that that would be sufficient. She expected the police to come and see her.

Mrs. Bignell described her son in these moving words:

"Q. Stella, we – we've heard your son described in the media and by others as an Aboriginal man or a man. How does that make you feel?

A. He isn't a man. He was a boy. He was only 17. He never – he never had a chance to become a man. They never gave him that chance to become a man and have a family of his own, to give me the grandchildren that I would have loved like my other children."³³

Mrs. Bignell did not receive any encouragement from any source in respect to her son's untimely and suspicious death until her interview by the Saskatoon StarPhoenix in March 1991. Despite this media attention, the death of her son was not investigated any further until 2000.

In early 2000, two Aboriginal men were found frozen to death in the south industrial area of Saskatoon. On the heels of these deaths came an allegation by Darrell Night that he had been taken to the outskirts of Saskatoon and dropped off by members of the Saskatoon Police Service. As a result of these circumstances, the Saskatchewan Minister of Justice asked the RCMP in February of 2000 to conduct an independent investigation of freezing deaths of the two Aboriginal men and the allegations of Darrell Night.³⁴ In late February of 2000, the suspicious circumstances surrounding the death of Neil Stonechild were again raised in the press. Shortly thereafter, the RCMP added to its mandate the investigation into the death of Neil Stonechild.

³³ Evidence of Stella Bignell, Inquiry transcript, vol. 1 (September 8, 2003): 107

³⁴ Evidence of Chief Superintendent Darrell McFayden, Inquiry transcript, vol. 32 (January 7, 2004): 6072-6074

As matters unfolded, more evidence came forward indicating that her son's death may have been caused by circumstances other than those initially suggested to her.

Stella Bignell attended all of the sessions of the Inquiry and followed closely the evidence of each of the witnesses. Her husband, Norman, supported her fully throughout the Inquiry. There were occasions when the evidence was so graphic or disturbing that she was reduced to tears. I admire her courage and her fortitude in light of what must have been a traumatic and painful experience. Her suffering was prolonged as well. I say prolonged, because the Inquiry continued over a period of many months as a result of the difficulty of scheduling counsel and witnesses.

To the end, she had a deep affection for her son and an abiding conviction that his death had been caused by a person or persons never identified and certainly never brought to an accounting for their actions.

Debra Mason³⁵

Debra Mason is Neil's aunt. She confirmed Stella's description of Neil as a loving person and an individual who was particularly fond of children. She also underscored the cohesive and supportive nature of the Stonechild family. She observed injuries on her nephew's face at his funeral.

Ms. Mason was present when Neil Stonechild left his mother's house for the last time on November 24, 1990. She testified that she, Neil, and Stella Bignell had a conversation in the kitchen of the Bignell residence before Neil left. She recalled Neil stating that he was tired of being on the run, and that he was finally going to turn his life around. Ms. Mason remembered that Neil told them he wanted to return to school and to wrestling. The conversation ended when Neil informed them that he was going to a party at a friend's house. Ms. Mason testified that Stella Bignell encouraged Neil to stay indoors as it was very cold. Neil assured them that he would be fine. As he left, he gave them both a hug and told them he would see them tomorrow. Debra Mason did not see him alive again.

Jerry Mason³⁶

Jerry Mason is Debra Mason's husband. He accompanied Mrs. Bignell to the Saskatoon Police Station to try to recover Neil's clothing and belongings. There were several unsuccessful attempts. He saw a gash on Neil's face at the funeral and observed marks on Neil's wrists.

Marcel Stonechild³⁷

Marcel Stonechild was Neil's older brother. He also played a paternal role vis-à-vis his sibling. His evidence is significant on a number of counts. He confirmed his mother's description of his younger brother and his close relationship with the latter. Marcel and Neil were living with their mother in Saskatoon's west end on November 24th, 1990. On that evening, Marcel agreed to buy Neil a bottle of vodka, which Neil and his friend, Jason Roy, intended to take to a party at the Binnings' residence. Neil explained that this was to be his last outing before he returned to the community home.

³⁵ Evidence of Debra Mason, Inquiry transcript, vol. 1 (September 8, 2003): 108-136

³⁶ Evidence of Jerry Mason, Inquiry transcript, vol. 1 (September 8, 2003): 136-159

³⁷ Evidence of Marcel Stonechild, Inquiry transcript, vol. 2 (September 9, 2003): 274-347

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Marcel saw the two young men off. The weather was very cold, and it was snowing. He was concerned for his brother, and later that evening he went to the Binning residence to see if Neil was alright. He was told at that point that Neil and Jason had left the Binning residence, and that they might be contemplating the commission of a breaking and entering offence, apparently to raise money to buy more alcohol. Marcel returned to his mother's home. He was not greatly concerned as he had instructed Neil to keep in touch by telephone.

When Neil did not return home or phone, Marcel went again to the Binning residence. He was told by the Binnings' friend, Eddie Rushton, that the young Stonechild had never returned to their home. Rushton subsequently told Marcel that Neil had been arrested, and that Jason Roy had seen Neil in the back of a police car. Rushton is now deceased. Marcel assumed that his brother was in police custody, and perhaps the "drunk tank".

When he called the police station he was told that Neil was not in custody. He then, like his mother, became greatly concerned.

Marcel Stonechild was at his mother's house when the police arrived on November 29, 1990, to inform her that Neil's body had been found. Marcel Stonechild eloquently expressed the enormous guilt and depression that he suffered in the years that followed Neil's death; feelings he experienced as a consequence of having purchased the 40 ounce bottle of Vodka for his brother and his friend on the evening of November 24th. He felt, and feels, that he contributed to Neil's death.

Marcel attended Neil's funeral. He also noticed two parallel gashes on Neil's nose and marks on his wrists. He also observed scrapes and a bruise on the face of the deceased. Marcel contacted a family friend, Ernie Louttit, a member of the Saskatoon Police Service. Cst. Louttit is a First Nations person. Marcel Stonechild shared his concern about his brother with the police officer who then relayed the information he had been given by Marcel to Keith Jarvis. That information related to the possible involvement of the Pratts.

Marcel Stonechild's evidence was consistent with other independent evidence. I am aware of the fact that Marcel counseled his younger brother to testify falsely at a trial involving Pratt and the so called gun transaction some months prior to Neil's death. There were some inconsistencies in his evidence as well. Having said that, I am satisfied with his account of what happened on the evening of November 24th.

Erica Stonechild³⁸

Erica Stonechild was Neil's older sister. She attended his funeral and confirmed his injuries. She expressed the disappointment and anger the family experienced when the Saskatoon Police Service took no action as a result of StarPhoenix articles of March 1991 and February 2000 concerning the suspicious circumstances surrounding Neil's death.

Her views about the Saskatoon Police Service are reflected in the comments she made at the Inquiry:

"A. In general terms. There was no trust established there at all, period. My mother tried to teach us children that under every circumstance that you

³⁸ Evidence of Erica Stonechild, Inquiry transcript, vol. 9 (September 22, 2003): 1599-1652



need help, call the police. That's their job, that's what they're there for. When you have conflict with that, what you've been taught all your life, but you're experiencing a whole lot of other things that suggest otherwise, then I'm sorry – there was a few incidences in my personal life and our entire family's. And I'm talking – when I say my entire family I'm talking about my mother and my brothers, you know, my uncle, my cousin, whoever happened to be most in our home at the – at that time. They were never reported simply because there is no trust. And it didn't – and it's not going to say that I'm slashing up the Saskatoon Police Force because, please, there is a lot of good people out there, I know that there is. But we can't ignore the fact that they're human, everybody's a human being.”³⁹

2 | Stonechild Acquaintances and Other Civilian Witnesses

The Inquiry heard from a number of friends of Neil Stonechild and other civilian witnesses who offered information regarding the circumstances leading up to his disappearance and the events subsequent to the discovery of his body. Chief among these witnesses is Jason Roy, who was with Stonechild on the night of November 24/25, 1990.

It is helpful to indicate, briefly, what this evidence encompasses. I begin with Patricia Pickard, who operated a community home for young offenders in 1990. At the time of Stonechild's disappearance, he was unlawfully at large from Ms. Pickard's community home. I have also reviewed the evidence of Gary Pratt. Shortly after Stonechild's body was discovered, there were rumours that Pratt may have had something to do with Stonechild's death. I then review the evidence of Jason Roy. This is followed by a summary of the evidence of Tracy Lee Horse, a witness who corroborated portions of Roy's evidence. An examination of the evidence of Lucille Horse, Gary Horse, and Trent Ewart is next. These three individuals testified about a disturbance caused by Neil Stonechild in the late evening hours of November 24, 1990, which led Trent Ewart to call for the police. Thereafter I review the evidence of Cheryl Antoine and Julie Binning; friends who partied with Stonechild and Roy on the night Stonechild disappeared. A summary of the evidence of Bruce Genaille is next. He testified to being stopped by two police officers looking for Stonechild on the night Stonechild disappeared. This is followed by the evidence of Diana Fraser and Brenda Valiaho who became acquainted with Jason Roy around 1990 as a result of their jobs in the youth justice system in 1990. This is followed by a summary of the evidence of Richard Harms who discovered the body of Neil Stonechild on 57th Street. Lastly, I review the evidence of Larry Flysak, an employee of Environment Canada, who provided information about the weather conditions between the day Stonechild was last seen alive and the date his body was found.

Patricia Pickard⁴⁰

Patricia Pickard was an important witness for the Inquiry. She has managed a community home for young offenders for sixteen years. Community homes are funded by Saskatchewan Justice as an alternative to incarceration. Residents live in a family environment and are

³⁹ Evidence of Erica Stonechild, Inquiry transcript, vol. 9 (September 22, 2003): 1624-1625

⁴⁰ Evidence of Patricia Pickard, Inquiry transcript, vol. 1-2 (September 8-9, 2003): 160-274